

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TONYA BOWLES, for herself
and all those similarly situated,

Plaintiffs,

v.

Case No. 23-cv-10973
Honorable Linda V. Parker

ERIC SABREE, et al.,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE THE MOTION TO
INTERVENE BY THE ATTORNEY GENERAL FOR THE STATE OF
MICHIGAN**

Presently before the Court is the Michigan Attorney General's Motion to Intervene under Federal Rule of Civil Procedure 24(a). Rule 24(a) provides that a court must permit intervention by anyone who has been given an unconditional right to intervene by a federal statute. Congress provides an unconditional right to intervene in 28 U.S.C. § 2403, which states that federal courts "shall permit" a state to intervene in any suit "wherein the constitutionality of any statute of that State affecting the public interest is drawn in question."

The Michigan Department of Attorney General's motion to intervene is premised on statements in a Complaint filed by Melvin Chunev, Jr., Kennan Jackson, and Darlene Henderson. *See* Compl., *Chunev, et al. v. County of Wayne*,

et al., No. 23-cv-10524 (E.D. Mich. filed Mar. 3, 2023), ECF No. 1. That litigation, however, was consolidated with the above-captioned, already pending matter. (ECF No. 3.) A class action complaint now governs the litigation. (*See* ECF No. 8.)

While the controlling pleading does reference the constitutionality of a Michigan statute, specifically Michigan Compiled Laws § 211.78m, it is not apparent to the Court that Plaintiffs have raised a constitutional question that has not already been decided by the Michigan Supreme Court and Sixth Circuit. At this time, therefore, the Court finds the Michigan Attorney General's intervention unnecessary. Moreover, there are appeals pending in the Sixth Circuit, the resolution of which may significantly alter this litigation moving forward.

Therefore, the Court is **DENYING WITHOUT PREJUDICE** the Michigan Attorney General's request to intervene. However, the Court will reconsider the request without the need for a renewed motion, if it appears that the constitutionality of Section 211.78m is, in fact, at issue with respect to a question not already resolved elsewhere.

SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: March 11, 2024